

DOCKET NO.: CC-3052/A0397US
Application No.: 09/780,760
Office Action Dated: December 3, 2003

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS

DRAWINGS

Applicant submits drawings with changes in accordance with the pending Office Action.

CLAIMS

Claims 1 – 19 and 21 – 30 are pending in this application prior to entry of this amendment. Claims 31 – 48 are added herein.

The office action in the parent application states that claims 5, 6, and 27 – 30 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. Accordingly, Applicant amends claim 1 to incorporate the limitations of claim 3 and 29, re-writes claim 5 in independent form to incorporate the limitations of claim 1, re-writes claim 27 in independent form to incorporate the limitations in claim 22, and amends independent claim 22 to incorporate the limitations of claims 25 and 30. Claims 3, 25, 29, and 30 are canceled. Claims 5, 6, 27, and 28 are also amended to recite “an other spud” to distinguish it from the “spud” recited elsewhere in amended claims 5 and 27. Applicant submits that the above claims are in condition for allowance.

Applicant adds new dependent claims 31 and 32, which depend from claim 1, and claims 33 and 34, which depend from claim 22. Each of claims 31 - 34 recite “an other spud,” in accordance with the amended language in claims 5 and 27 as discussed above.

New independent claims 35 and 42 each recite a closure including a closure body, cap, and hinge with language that is simpler than that of corresponding claims 1 and 22, respectively. Each of claims 35 and 42 recite that the cap includes a spout cover and a hinge and “the spout cover having a height that is greater than a height of the spud such that a distal edge of the spout cover extends below a distal tip of the spud while the closure is in its closed position.” The quoted limitation appeared, of course, in claim 29, which was determined to include allowable subject matter.

Applicant submits that new independent claims 35 and 40 are in condition for allowance. Dependent claims 36-41 and 43-48 depend respectively from claims 35 and 42 and also recite novel structure.

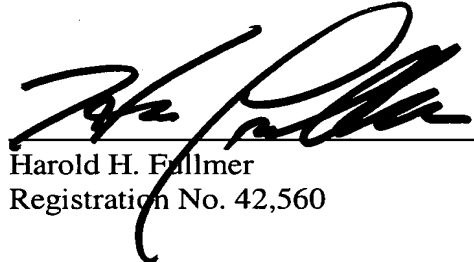
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CONCLUSION

Applicant submits that all of the claims are in condition for allowance and requests favorable consideration thereof. If the examiner determines that a telephone conversation would further prosecution of this case, she is invited to telephone the undersigned at her convenience.

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